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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,198	02/25/2004	Thomas Birkhoelzer	32860-000703/US	3374

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HARNESS, DICKEY & PIERCE, P.L.C.
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RESTON, VA 20195

EXAMINER

HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2436

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02/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,198	Applicant(s) BIRKHOELZER ET AL.	
	Examiner DANIEL L. HOANG	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

Applicant's amendments will be treated below. As there are no new arguments presented, the previous action's responses to arguments are presented again below since they are referred to in the current office action.

Applicant's arguments filed 4/10/08 have been fully considered but they are not persuasive.

Applicant argues the following:

a) "Access by the user are not signed by specifying token 90 and business rules. To the contrary, the system of the '527 publication tracks user access by maintaining records of each authentication. The authentication refers to the user's credentials, which include, for example, biometric information submitted by the user. The user's credentials are not the token 90 or the business rules.

Examiner respectfully disagrees. Examiner relies on the token to represent the claimed "user signature" and "role signature". The token the user's login name and the user's role which is equated to user and role signature respectively (paragraph 34). As can be seen in paragraphs 34 and 35 of the reference, the token is stored by the secure server so that the user can eliminate the need to authenticate with the server each time he wishes to access information on the server. Therefore, it is clear that a record of at least the first time the token is submitted is stored. The storing of this access transaction is interpreted as being analogous to the signing of an access operation. The cited passage wherein applicant cites that the reference teaches tracking user access by maintaining user records of each authentication is an optional embodiment of the invention and further is not relied upon in examiner's rejection. This argument is considered to be moot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Khidekel (US PGP No. 20010027527).

As per claims 1, 9, 16, 29 and 40, Khidekel teaches:

A method for signing access operations to electronic data, comprising:

performing a security check upon each access operation in order to ascertain the identity of a user;

[see paragraph 0029] "The user can be authenticated based on the user's credentials" [see paragraph 35, wherein upon receiving the token, the secure server validates the token by comparing the difference between the current time and the authentication time to the predefined threshold to make sure a duration of time has not expired. It is clear from this that each access operation must be logged and a security check performed because if each access is not logged, there would be an error in the duration of time since the last access operation that was not logged.

assigning a user signature, identifying the user, on the basis of the performed security check without being viewable by the user;

[see paragraph 0034] "Token"

assigning at least one role signature, each role signature being assignable to a plurality of users, on the basis of the performed security check without being viewable by the user; and

[see paragraph 0039] "... business rules that indicate which users are authorized to take various types of actions..."

signing each access operation to electronic data by specifying the user signature and the role signature; and

[see paragraph 0034-0035] see explanation above in Response to Arguments.

recording each access operation and the user signature and the at least one role signature specified for each access operation.

[see above explanation for why each access operation is logged.]

As per claims 2, 10, and 30, Khidekel teaches:

The method as claimed in claim 1, wherein the security check involves biometric data from the user being ascertained.

[see paragraph 0029]

As per claims 3, 11, 17, 23, and 31, Khidekel teaches:

The method as claimed in claim 1, wherein the security check involves reading at least one of an electronic and mechanical key.

[see paragraph 0029, "smartcard"]

As per claims 4, 12, 18, 19, 24, 25, and 32, Khidekel teaches:

The method as claimed in claim 1, wherein the user signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a user signature memory.

[see paragraph 0026, "database 24"]

As per claims 5, 13, 20, 21, 26, 27, and 33, Khidekel teaches:

The method as claimed in claim 1, wherein the role signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a role signature memory.

[see paragraph 0026, "database 24"]

As per claims 6, 14, 22, 28, 34, and 35, Khidekel teaches:

The method as claimed in claim 4, wherein the user signature memory is checked using a data telecommunication link.

[see paragraph 0028, "communications can be sent over a secure socket layer"]

As per claim 7, Khidekel teaches:

The method as claimed in claim 1, wherein one user is assignable a plurality of role signatures simultaneously.

[see paragraph 0039, wherein specified physicians may be permitted to view patient records as well as modify them while administrative staff may only view patient records]

As per claims 8, 15, and 36, Khidekel teaches:

The method as claimed in claim 1, wherein the data are medically relevant, wherein the users are medical specialist personnel, and wherein the roles are formed in line with the workgroups within the medical specialist personnel.

[see paragraph 0025]

As per claim 37, 38, 39, 42, Khidekel teaches:

The method as claimed in claim 1, wherein each access operation and the user signature and the at least one role signature specified for each access operation are recorded in an audit memory.

[see paragraph 8, "Each time the user is authenticated, a time-stamped record can be stored. Encryption can be used to enhance security. User profiles, user credentials and time-stamped records can be stored in encrypted form in a database."]

As per claim 41, Khidekel teaches:

The method as claimed in claim 40, wherein an access operation can be reconstructed by specifying at least one of the user's former and current role signatures.

[see paragraph 41, resubmit credentials for re-authentication.]

POINTS OF CONTACT

- *. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

- *. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Application/Control Number:
10/785,198
Art Unit: 2136

Page 6

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436